

## **Notice to Comply**

### ***Corrective Action***

In response to applicant's inquiry regarding the last Office action (Notice to Comply), the following corrective action is taken.

The period for reply of 1(one) MONTH set in said Office Action is restarted to begin with the mailing date of this letter.

### ***Notice to Comply***

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 CFR 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 CFR 1.821 through 1.825 for the reason(s) set forth below or on the attached Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures.

The sequence of the claims require separate sequence identifiers. For example, if sequence A is an epitope of a larger sequence B, it is proper to refer to it by the fragment (e.g. amino acids 10-20 of SEQ ID NO:B) if it is not further modified by amino acids, etc. Here, the claims recite an epitope which is further modified (e.g. claim 1, a six amino acid long epitope is repeated 9 times). Currently, the claims recite that the epitope Y (taken 9 times) is alternating with another sequence X 13 time, e.g. (X-Y<sub>9</sub>)<sub>13</sub>, and thus the sequence is not identified with a proper sequence identifier, as the 2nd part of 1.828(c) states, "A sequence that is made up of one or more noncontiguous segments of a larger sequence or segments from different sequences shall be presented as a separate sequencer." Thus, the sequence (X-Y<sub>9</sub>)<sub>13</sub> requires a sequence identifier. It was noted that if the sequences are non-contiguous, e.g. interposed linkers, then

each fragment X and Y should have separate sequence identifiers, and as above, cannot be described as epitopes of a larger sequence.

Applicant is given ONE MONTH, or THIRTY DAYS, whichever is longer, from the mailing date of this letter within which to comply with the sequence rules, 37 CFR 1.821 - 1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 CFR 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). In no case may an applicant extend the period for reply beyond the SIX MONTH statutory period. Direct the reply to the undersigned. Applicant is requested to return a copy of the attached Notice to Comply with the reply.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANDREW D. KOSAR whose telephone number is (571)272-0913. The examiner can normally be reached on Monday - Friday 08:00 - 16:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cecilia J. Tsang can be reached on (571)272-0562. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Andrew D Kosar/  
Primary Examiner, Art Unit 1654